

**RULES REVIEW COMMISSION MEETING
MINUTES
February 17, 2022**

The Rules Review Commission met on Thursday, February 17, 2022, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx.

Commissioners Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeanette Doran, Randy Overton, and Bob Rucho were present in the Commission Room. Commissioners present via WebEx were Jeff Hyde and Barbara Jackson.

Staff members present were Alexander Burgos; Commission Counsel Lawrence Duke, Brian Liebman, and Amber May.

The meeting was called to order at 9:00 a.m. with Chair Doran presiding.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the February 7, 2022, special meeting. There were none and the minutes were approved as distributed.

Commissioners Margaret Currin, Barbara Jackson, and Randy Overton abstained from voting on the special meeting minutes.

Upon the call of the Chair, the special meeting minutes were approved by roll-call vote, ayes 5, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeff Hyde, and Bob Rucho – 5. Voting in the negative: None.

The Chair asked for any discussion, comments, or corrections concerning the minutes of the January 20, 2022, meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

The Chair notified the Commissioners that the following items on the agenda would be taken up out of order at the end of the agenda: Follow up matters for the Environmental Management Commission and Board of Pharmacy.

FOLLOW UP MATTERS

Soil and Water Conservation Commission

Upon the call of the chair, 02 NCAC 59A .0101, .0102, .0103, .0104, .0201, .0202, .0203, .0204, .0301, and .0302 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

Criminal Justice Education and Training Standards Commission

12 NCAC 09B .0101; 09G .0205 – The rules were approved at the February 7, 2022 RRC special meeting. No action was required by the Commission.

Environmental Management Commission

15A NCAC 02L .0202 - Upon the call of the Chair, the Commission waived Rule 26 NCAC 05 .0103 and allowed the submission of written comments received after the deadline by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

Upon the call of the Chair, the Commission voted whether to approve the rule by roll-call vote, ayes 4, noes 5 as follows: Voting in the affirmative Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, and Barbara Jackson – 4. Voting in the negative: Margaret Currin, Jeanette Doran, Jeff Hyde, Randy Overton, and Bob Rucho – 5. The motion failed.

Upon the call of the Chair, the Commission objected to the rule by roll-call vote, ayes 5, noes 3 as follows: Voting in the affirmative: Wayne R. Boyles III, Margaret Currin, Jeff Hyde, Randy Overton, and Bob Rucho – 5. Voting in the negative: Andrew Atkins, Bobby Bryan, and Barbara Jackson – 3.

The Commission objected to Rule 15A NCAC 02L .0202 finding that the rule was not clear and unambiguous. Specifically, the Commission found the Rule was unclear and ambiguous as it lacked specific guidelines required by G.S. 150B-19(6) to waive or modify the practical quantitation limit requirement through the use of an Interim Maximum Allowable Concentration.

Chris Millis with the North Carolina Home Builders Association addressed the Commission.

Phillip Reynolds with the Department of Justice, and representing the agency, addressed the Commission.

Karen Higgins with the Division of Water Resources addressed the Commission.

Marine Fisheries Commission

15A NCAC 03I .0108, .0115, .0122; 03J .0103, .0104, .0106, .0111, .0202, .0208, .0401, .0402; 03L .0207, .0210, .0301, .0302; 03M .0301, .0302, .0511, .0516, .0519; 18A .0134, .0136, .0137, .0138, .0139, .0144, .0145, .0147, .0148, .0149, .0151, .0152, .0153, .0156, .0157, .0158, .0161, .0162, .0164, .0165, .0166, .0168, .0173, .0174, .0175, .0176, .0177, .0178, .0181, .0182, .0183, .0184, .0185, .0186, .0187, and .0191 – The agency is addressing the technical change requests from the January meeting. No Action was required by the Commission.

Coastal Resources Commission

15A NCAC 07H .1101, .1102, .1103, .1104, .1105, .1801, .1802, .1803, .1804, and .1805 - The agency is addressing the technical change requests from the January meeting. No action was required by the Commission.

Board of Examiners of Electrical Contractors

21 NCAC 18B .0308 – The rule was returned at the request of the agency. No action was required by the Commission.

Board of Pharmacy

Upon the call of the Chair, the Commission waived Rules 26 NCAC 05 .0103 and 05 .0105 to allow the submission of written comments and requests to speak after the deadline by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

Upon the call of the Chair, 21 NCAC 46 .1417 and .1816 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

Mark Boesen with Boesen and Snow, LLC, addressed the Commission.

Jay Campbell representing the agency, addressed the Commission.

Andy Ellen with the North Carolina Retail Merchants Association, addressed the Commission.

Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors

21 NCAC 50 .0415 - The rule was returned at the request of the agency. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Department of Administration

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

Department of Natural and Cultural Resources

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

Private Protective Services Board

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

Licensing Board for General Contractors

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

Board of Cosmetic Art Examiners

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

Board of Dental Examiners

Upon the call of the Chair, 21 NCAC 16U .0103 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

Board of Hearing Aid Dealers and Fitters

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

Building Code Council

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

COMMISSION BUSINESS

The Chair announced that starting with the March meeting, there will be changes to the posting of follow-up matters to the online agenda.

The meeting adjourned at 11:21 a.m.

The next regularly scheduled meeting of the Commission is Thursday, March 17, 2022, at 9:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

February 17, 2022

Rules Review Commission Meeting

Please Print Legibly

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Rules Review Commission Meeting February 21, 2022
Held Via WebEx

Name	Agency
Sarah Bales	brubakernc.com
Elizabeth Kountis	EMC
C Carroll	Honeycutt Corp.
Dan	Public
Susan Delmonico	Genoa healthcare
Susan Meadows	DENR
Kaitlin Rothecker	Brubakernc.com
Frank Wiesner	NCLBGC
D Hargrove	EMC
Grady McCallie	ncconservationnetwork.org
Juliane Bradshaw	DOJ
Donya Strong	DOA
Jessica Adama	telepharm.com
Christopher Ventaloro	DEQ
Dennis Seavers	Barbers Examiners
Jonathan Avery	DNCR
Jay Campbell	NCBOP
Mark Boesen	Boesen and Snow
Helen Landi	DOT
Vernon Cox	NCAGR
Caitlin Schwab-Falzone	NCHALB
Dale Masten	Genoa Healthcare
Bridget	Ashevillenc.gov
Pearson Cost	UNC
Ademola Are	Pillpack.com
Joseph Lavino	CVS
Brenda Shafer	quarles.com
David Rittlinger	DOI
Hannah Jernigan	DOT
Laura Rowe	Treasurer
Liana Madison	DOA
Anna Hayworth	NCAGR
Catherine Blum	Marine Fisheries
Carl Martin	DOI
Dauna Bartley	Dental Examiners
Jeff Manning	DENR

Gina Cammarano	Industrial Commission
Kathy Capps	Parks
Lynda Elliott	Cosmetic Arts

DRAFT